

SSB 5531 - H COMM AMD
By Committee on Judiciary

ADOPTED AS AMENDED 4/08/2009

1 Strike everything after the enacting clause and insert the
2 following:

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4 "Sec. 1. RCW 19.86.090 and 2007 c 66 s 2 are each amended to read
5 as follows:

6 Any person who is injured in his or her business or property by a
7 violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or
8 19.86.060, or any person so injured because he or she refuses to
9 accede to a proposal for an arrangement which, if consummated, would
10 be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060,
11 may bring a civil action in (~~the~~) superior court to enjoin further
12 violations, to recover the actual damages sustained by him or her, or
13 both, together with the costs of the suit, including a reasonable
14 attorney's fee(~~, and~~). In addition, the court may in its
15 discretion, increase the award of damages up to an amount not to
16 exceed three times the actual damages sustained: PROVIDED, That such
17 increased damage award for violation of RCW 19.86.020 may not exceed
18 (~~ten~~) twenty-five thousand dollars: PROVIDED FURTHER, That such
19 person may bring a civil action in the district court to recover his
20 or her actual damages, except for damages which exceed the amount
21 specified in RCW 3.66.020, and the costs of the suit, including
22 reasonable attorney's fees. The district court may, in its
23 discretion, increase the award of damages to an amount not more than
24 three times the actual damages sustained, but such increased damage
25 award shall not exceed (~~the amount specified in RCW 3.66.020~~)
26 twenty-five thousand dollars. For the purpose of this section,

27

1 "person" (~~shall~~) includes the counties, municipalities, and all
2 political subdivisions of this state.

3 Whenever the state of Washington is injured, directly or
4 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,
5 19.86.050, or 19.86.060, it may sue therefor in (~~the~~) superior court
6 to recover the actual damages sustained by it, whether direct or
7 indirect, and to recover the costs of the suit including a reasonable
8 attorney's fee.

9
10 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.86 RCW
11 to read as follows:

12 In a private action in which an unfair or deceptive act or
13 practice is alleged under RCW 19.86.020, a claimant may establish that
14 the act or practice is injurious to the public interest because it:

15 (1) Violates a statute that incorporates this chapter;

16 (2) Violates a statute that contains a specific legislative
17 declaration of public interest impact; or

18 (3)(a) Injured other persons; (b) had the capacity to injure other
19 persons; or (c) has the capacity to injure other persons."

20

21 Correct the title.

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EFFECT: Changes the limit on treble damages from \$50,000 to
\$25,000. Removes the section stating that an action brought by
the Attorney General is presumed to involve a public interest
impact. Makes a technical correction.

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